



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

APPLICATION FOR CERTIFICATION FOR THE
IMPERIAL VALLEY SOLAR PROJECT
(formerly known as SES Solar Two Project)
IMPERIAL VALLEY SOLAR, LLC

DOCKET No. 08-AFC-5

NOTICE OF CANCELLATION OF EVIDENTIARY HEARINGS

NOTICE OF RE-SCHEDULED EVIDENTIARY HEARING AND EVIDENTIARY HEARING ORDER

PLEASE TAKE NOTICE that the Committee designated by the Energy Commission to conduct proceedings on the Application for Certification (AFC) for the ***IMPERIAL VALLEY SOLAR PROJECT*** (formerly known as SES Solar Two Project) has **CANCELLED** the Evidentiary Hearings formerly scheduled for April 19 and 20, 2010, and has **re-scheduled the Evidentiary Hearings as follows:**

The Evidentiary Hearing will be conducted on:

**MONDAY, May 24, 2010
Beginning at 10 a.m.**

LOCATION TO BE DETERMINED

and, if needed, on:

TUESDAY, May 25, 2010

LOCATION AND TIME TO BE DETERMINED

Please note that the Committee may, in appropriate circumstances, extend the hearings into the evening hours.

TELECONFERENCE OPTION: The following toll free phone number will be available at 10 a.m. on May 24 and on May 25 (time to be announced) for callers to participate in the hearing:

Call: 1-888-957-9863
Use Passcode: "WORKSHOP"
Conference Leader: "Raoul Renaud"

Official Notice

Pursuant to section 1213 of the Commission's regulations, the Committee intends to take Official Notice of the report issued by the Commission's Siting Committee entitled:

COMMITTEE GUIDANCE ON FULFILLING CALIFORNIA ENVIRONMENTAL QUALITY ACT RESPONSIBILITIES FOR GREENHOUSE GAS IMPACTS IN POWER PLANT SITING APPLICATIONS.

The report was issued in March 2009 and is found on the Commission website at: <http://www.energy.ca.gov/2009publications/CEC-700-2009-004/CEC-700-2009-004.PDF>

Purpose of Prehearing Conferences

At the Prehearing Conference on March 25, 2010, the Committee heard from all parties concerning their readiness to proceed with Evidentiary Hearings. While it was agreed that certain topics are ready for hearings (the "ready topics"), certain other topics are not, (the "remaining topics"). The Committee has therefore determined that holding Evidentiary Hearings on April 19 and 20, 2010 would be premature. The parties expect that by mid-May 2010, sufficient information will be available for all parties to proceed to Evidentiary Hearings on all topics. Accordingly, the Committee has cancelled the April 19 and 20, 2010 Evidentiary Hearing sessions, and is rescheduling them as indicated in this Notice and Order. In addition, the Committee has revised the schedule leading up to the Evidentiary Hearings, as follows.

Ready Topics, numbered according to the Topic and Witness List (attached to this Hearing Order as "Attachment A"):

1. Executive Summary and Project Description
3. Hazardous Materials Management
5. Traffic and Transportation
6. Transmission Line Safety and Nuisance
7. Waste Management
8. Facility Design
9. Geology and Paleontology

- 10. Power Plant Efficiency
- 12. Public Health
- 13. Socioeconomic Resources
- 16. Transmission System Engineering
- 17. Power Plant Reliability
- 19. Worker Safety and Fire Protection

Remaining Topics, numbered according to the Topic and Witness List:

- 2. Cultural Resources
- 4. Soil and Water Resources
- 11. Air Quality
- 14. Biological Resources
- 15. Noise and Vibration
- 18. Visual Resources
- 20. Land Use
- 21. Alternatives

PLEASE TAKE NOTICE that the Committee has established the following schedule:

REVISED SCHEDULE

ACTIVITY OR FILING	DATE OR FINAL DEADLINE
All intervenors file written and documentary testimony and exhibits as to ready topics	Thursday, April 15, 2010
All parties file and serve supplemental and rebuttal written and documentary testimony as to ready topics	Thursday, April 22, 2010
All parties file and serve opening written and documentary testimony on remaining topics, supplemental testimony on ready topics, and rebuttal to evidentiary filings of intervenors	Monday, May 10, 2010
Parties file and serve supplemental and/or rebuttal written and documentary testimony on all topics	Monday, May 17, 2010
Applicant submits compilation of its opening and rebuttal testimony on all topics to Hearing Officer	Monday, May 17, 2010
Evidentiary Hearings	Monday, May 24, 2010, and if needed, Tuesday, May 25, 2010

Required Filings and Format for Presenting Written Testimonial and Documentary Evidence

On or before Monday, May 17, 2010, Applicant, Staff, and Intervenors shall each provide a CD or DVD of their evidence to the Hearing Officer. Witness testimony shall be limited to those witnesses listed in the submissions of the parties.

The parties shall also provide copies of their written testimonial and documentary evidence **ON OR BEFORE the dates shown in the schedule above**. They shall also provide it to the Committee in two formats, as follows.

NOTE: FAILURE TO EXCHANGE WRITTEN TESTIMONIAL AND DOCUMENTARY EVIDENCE BY THE DEADLINE MAY PRECLUDE A PARTY FROM PARTICIPATING AT THE EVIDENTIARY HEARING.

Format 1. Each document shall be numbered and identified on an **Exhibit List**. (See attached sample Exhibit List.)

- Applicant's exhibits shall be numbered consecutively as ***Exhibits 1 through 299***. ***Exhibit 1*** shall be the Application for Certification. (note: provide the AFC only upon request);
- Staff's exhibits shall be numbered consecutively as ***Exhibits 300 through 399***. ***Exhibit 300*** shall be the Staff Assessment. (note: provide the Staff Assessment only upon request);
- Intervenor CURE's exhibits shall be numbered consecutively as ***Exhibits 400 through 499***.
- *Intervenor Tom Budlong's exhibits shall be numbered consecutively as Exhibits 500 through 599.*
- If its pending Petition to Intervene is approved, *Intervenor California Native Plant Society's exhibits shall be numbered consecutively as Exhibits 600 through 699.*
- If his pending Petition to Intervene is approved, *Intervenor Hossein Alimamaghani's exhibits shall be numbered consecutively as Exhibits 700 through 799.*

Printed copies of each party's exhibits, including intervenors' exhibits, organized as described under Format No. 1, above, shall be submitted to all other parties, including intervenors, the Hearing Officer, and the Committee, on or before the dates shown in the schedule above.

Format 2. To facilitate the Committee's efficient organization and review of the exhibits, printed copies of **Applicant's** exhibits for each topic area shall **also** be compiled in separate file folders **designated by topic** with the appropriate Exhibit Number attached to each document. This compilation shall include all opening and rebuttal testimony filed by Applicant and shall be provided to the Hearing Officer **NO LATER than May 17, 2010**. ***Presentation of their exhibits by other parties in similar fashion would be helpful to the Committee, but is not mandatory.***

Evidentiary Hearing Procedures

The purpose of the Evidentiary Hearing is to establish the factual record necessary for a decision on the Project proposal. The record is developed by the presentation of sworn testimony and documentary evidence. Testimony on undisputed topics and Alternatives shall be submitted by sworn declarations filed under penalty of perjury and offered into evidence by stipulation of the parties.

The Applicant has the burden of presenting sufficient substantial evidence to support the findings and conclusions required for certification of the site and related facilities. [20 Cal. Code Regs., § 1748(e).]

The parties' witnesses who appear in person shall be made available for cross-examination. At the conclusion of direct testimony, the witness may be cross-examined by the parties, followed by redirect and re-cross examination as appropriate, subject to limitation by the Committee.

Petitions to Intervene to Become a Formal Party

The DEADLINE to file a Petition to Intervene in this case was THURSDAY, MARCH 25, 2010. Petitions filed after that date and time extensions for new Intervenors to review case materials may be granted only upon a showing by the Petitioner that extraordinary circumstances made it impossible to file by the deadline, in the judgment of the Committee.

Public Participation and Public Adviser

Members of the public are welcome to attend and offer comments at the Evidentiary Hearing. It is not necessary to be an Intervenor to participate in the public process.

We encourage the public to submit comments prior to or during the Evidentiary Hearings but will accept comments made following the Evidentiary Hearings until the close of the 90-day comment period on the Draft Environmental Impact Statement, which began on February 26, 2010 and will end on May 27, 2010.

Comments made after the Evidentiary Hearings may be discussed in the Presiding Member's Proposed Decision (PMPD) or treated and discussed as comments on the

PMPD, in the Committee's discretion. Comments made to the Bureau of Land Management (BLM) or the Energy Commission will be shared with the other agency.

The Energy Commission Public Adviser's Office is available to assist the public in participating in the application review process. For those individuals who require general information on how to participate, please contact the Public Adviser's Office at (916) 654-4489 or (800) 822-6228 or e-mail: **[publicadviser@energy.state.ca.us]**.

If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz at (916) 654-5146 or e-mail: **[lquiroz@energy.state.ca.us]**.

Information

Questions of a legal or procedural nature should be directed to Raoul Renaud, the Hearing Officer, at (916) 651-2020 or e-mail: **[rrenaud@energy.state.ca.us]**.

Technical questions concerning the project should be addressed to Christopher Meyer, the Staff Project Manager, at (916) 653-1639, or e-mail: **[cmeyer@energy.state.ca.us]**.

Technical questions concerning the BLM permitting process should be addressed to Lynda Kastoll at (760) 337-4421, **[lynda_kastoll@ca.blm.gov]** or Jim Stobaugh, (775) 861-6478, **[Jim_Stobaugh@blm.gov]**.

Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail at: **[mediaoffice@energy.state.ca.us]**.

Information concerning the status of the project, as well as notices and other relevant documents, may be viewed on the Energy Commission's Internet web page at: **[www.energy.ca.gov/sitingcases/solartwo]**.

Dated: April 8, 2010, at Sacramento, California.

Original signed by:
JEFFREY D. BYRON
Commissioner and Presiding Member
Imperial Valley Solar AFC Committee

Original signed by
ANTHONY EGGERT
Commissioner and Associate Member
Imperial Valley Solar AFC Committee

Mailed to Lists: POS, 7302, 7303, 7304, 7305

SAMPLE EXHIBIT LIST

NOTE: The format of the samples provided below is equally applicable to all parties. However, given the likely differences in the documentary evidence submitted by the parties, the samples illustrate how to address specific types of evidence that might be unique to each party.

APPLICANT'S EXHIBITS - EXHIBITS 1 TO 299

EXHIBIT 1 Application for Certification, Volume I and II, docketed on _____.

EXHIBIT 2 Air Quality – Information. Docketed on _____.

ENERGY COMMISSION STAFF'S EXHIBITS - EXHIBITS 300 - 399

EXHIBIT 300 Staff Assessment for the Solar Two Project, dated _____, and docketed on _____.

INTERVENOR CURE EXHIBITS – EXHIBITS 400 - 499

EXHIBIT 400 Clearly indicate subject matter or document, dated _____; docketed on _____.

SUBMIT ALL EXHIBIT LISTS IN WORD FORMAT

ATTACHMENT A

IMPERIAL VALLEY SOLAR PROJECT TOPIC AND WITNESS LIST – MARCH 25, 2010 PREHEARING CONFERENCE

TOPIC	WITNESSES (Direct Testimony)	CROSS-EXAMINATION Or Declaration
1. Executive Summary and Project Description	<ul style="list-style-type: none"> • Applicant: Angela Leiba – URS corporation; Marc VanPatten, Tessera Solar Ken Kostok, Tessera Solar • Staff: Christopher Meyer 	<ul style="list-style-type: none"> • Applicant: Declaration/5 minutes • Staff: Declaration/5 minutes
2. Cultural Resources	<ul style="list-style-type: none"> • Applicant: Rebecca Apple • Staff: 	<ul style="list-style-type: none"> • Applicant: Declaration/20 minutes • Staff: Declaration/45 minutes
3. Hazardous Materials Management	<ul style="list-style-type: none"> • Applicant: Tricia Winterbauer • CURE: • Staff: Rick Tyler 	<ul style="list-style-type: none"> • Applicant: Declaration/5 minutes • CURE: Declaration/ 30 minutes • Staff: Declaration
4. Soil and Water Resources	<ul style="list-style-type: none"> • Applicant: Matt Moore • CURE: David I. Marcus; Matt Hagemann • Staff: Phil Lowe 	<ul style="list-style-type: none"> • Applicant: Declaration/30 minutes • CURE: Declaration/1 hour • Staff: Declaration/2-3 hours

TOPIC	WITNESSES (Direct Testimony)	CROSS-EXAMINATION Or Declaration
5. Traffic and Transportation	<ul style="list-style-type: none"> • Applicant: Noel Casil • Staff: Steven Brown 	<ul style="list-style-type: none"> • Applicant: Declaration/5 minutes • Staff: Declaration
6. Transmission Line Safety and Nuisance	<ul style="list-style-type: none"> • Applicant: Kenneth Kostok • Staff: Obed Odoemelum, Ph.D. 	<ul style="list-style-type: none"> • Applicant: Declaration/5 minutes • Staff: Declaration
7. Waste Management	<ul style="list-style-type: none"> • Applicant: Tricia Winterbauer • CURE: • Staff: Susan Phinney 	<ul style="list-style-type: none"> • Applicant: Declaration/15 minutes • CURE: Declaration/30 minutes • Staff: Declaration
8. Facility Design	<ul style="list-style-type: none"> • Applicant: Kenneth Kostok • Staff: Shahab Khoshmashrab 	<ul style="list-style-type: none"> • Applicant: Declaration/5 minutes • Staff: Declaration
9. Geology and Paleontology	<ul style="list-style-type: none"> • Applicant: Lanny Fisk; Mike Hatch • Staff: Dal Hunter, Ph.D., C.E.G. 	<ul style="list-style-type: none"> • Applicant: Declaration/5 minutes • Staff: Declaration
10. Power Plant Efficiency	<ul style="list-style-type: none"> • Applicant: Kenneth Kostok • Staff: Shahab Khoshmashrab 	<ul style="list-style-type: none"> • Applicant: Declaration/5 minutes • Staff: Declaration

TOPIC	WITNESSES (Direct Testimony)	CROSS-EXAMINATION Or Declaration
11. Air Quality	<ul style="list-style-type: none"> • Applicant: Julie Mitchell • Staff: William Walters, P.E. 	<ul style="list-style-type: none"> • Applicant: 15 minutes • Staff: Declaration/20 minutes
12. Public Health	<ul style="list-style-type: none"> • Applicant: Julie Mitchell • Staff: Alvin Greenberg 	<ul style="list-style-type: none"> • Applicant: Declaration/5 minutes • Staff: Declaration/
13. Socioeconomic Resources (including Environmental Justice)	<ul style="list-style-type: none"> • Applicant: Seth Hopkins • Staff: Amanda Stennick 	<ul style="list-style-type: none"> • Applicant: Declaration/5 minutes • Staff: Declaration
14. Biological Resources	<ul style="list-style-type: none"> • Applicant: Pat Mock • CURE: • Staff: Joy Nishida 	<ul style="list-style-type: none"> • Applicant: Declaration/20 minutes • CURE: Declaration/2 hours • Staff: Declaration/2 hours
15. Noise and Vibration	<ul style="list-style-type: none"> • Applicant: Mark Storm • Staff: Erin Bright 	<ul style="list-style-type: none"> • Applicant.: Declaration/10 minutes • Staff: Declaration
16. Transmission System Engineering	<ul style="list-style-type: none"> • Applicant: Kenneth Kostok • CURE: David Marcus • Staff: Sudath Arachchige and Mark Hesters 	<ul style="list-style-type: none"> • Applicant: Declaration/10 minutes • CURE: Declaration/5 minutes • Staff: Declaration/25 minutes

TOPIC	WITNESSES (Direct Testimony)	CROSS-EXAMINATION Or Declaration
17. Power Plant Reliability	<ul style="list-style-type: none"> • Applicant: Kenneth Kostok • Staff: Shahab Khoshmashrab 	<ul style="list-style-type: none"> • Applicant: Declaration/5 minutes • Staff: Declaration
18. Visual Resources	<ul style="list-style-type: none"> • Applicant: Seth Hopkins • Staff: William Kanemoto 	<ul style="list-style-type: none"> • Applicant: Declaration/20 minutes • Staff: Declaration/30 minutes
19. Worker Safety and Fire Protection	<ul style="list-style-type: none"> • Applicant: Tricia Winterbauer • Staff: Rick Tyler 	<ul style="list-style-type: none"> • Applicant: Declaration/5 minutes • Staff: Declaration
20. Land Use	<ul style="list-style-type: none"> • Applicant: Seth Hopkins • Staff: Susanne Huerta and Negar Vahidi 	<ul style="list-style-type: none"> • Applicant: Declaration/10 minutes • Staff: Declaration
21. Alternatives	<ul style="list-style-type: none"> • Applicant: Carolyn Dunmire • CURE: • Staff: Susan Lee 	<ul style="list-style-type: none"> • Applicant : Declaration/5 minutes • CURE: Declaration/20 minutes • Staff: Declaration